

Remarks:

Applicants have read and considered the Office Action dated July 28, 2008. Claims 1 and 3-7 are currently pending. Reconsideration is hereby requested.

In the Office Action, claims 1 and 3-7 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 7,353,850. The Action stated that although the claims are not identical, they are not patentably distinct from each other. Although Applicants do not acquiesce to the double patenting rejection, Applicants have submitted a Terminal Disclaimer over U.S. Patent No. 7,353,850. Applicants assert that the Terminal Disclaimer overcomes the double patenting rejection and requests that the rejection be withdrawn.

As the only grounds of rejection were for double patenting and that rejection has been overcome, Applicants assert that the claims are in condition for allowance.

A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicants' representative at (612) 336-4728.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.

23552

PATENT TRADEMARK
OFFICE ACTION

Respectfully submitted,

MERCHANT & GOULD P.C.

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By: 

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GAS/km